

**BORAH GOLDSTEIN**  
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March 16, 2023

**Via ECF**

Honorable Analisa Torres  
United States District Judge  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Stephen Gannon v. 13-15 Essex Street LLC  
and Café Grumpy Les L.L.C.  
United States District Court  
Southern District of New York  
Case No. 22-cv-01671 (AT)

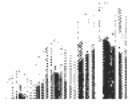
Honorable Judge Torres:

This firm represents Defendant 13-15 Essex Street. ("13-15 Essex") in the above-referenced matter. We are writing this joint letter on behalf of 13-15 Essex and co-Defendant Café Grumpy Les L.L.C. ("Café Grumpy") with the consent of Cafe Grumpy's counsel.

We respectfully request that the Case Management Plan ("CMP") [ECF #24 and ECF #28] be amended to extend the deadlines as set forth below and that the Case Management Conference be adjourned from the currently scheduled date of March 28, 2023, at 11:00 a.m. [ECF #39] to a date following the expiration of the extended CMP deadlines.

This is the First Request of either Defendant for an extension of the CMP deadlines or for an adjournment of the Case Management Conference.

Plaintiff's counsel requested on extension of the original CMP deadlines, by letter motion dated and filed October 26, 2022 [ECF# 27], which the Court granted by



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Memo Endorsed Order, So Ordered and filed on October 27, 2022 [ECF #28].

In his letter motion, Plaintiff's counsel explained that none of the original deadlines had been met due to his having been in a serious car accident that caused him substantial injuries, exacerbated old medical issues and required a long recovery period. He expressed confidence that the parties would be able to meet the new deadlines and would not require further extensions.

Unfortunately, none of the extended deadlines were met. For weeks after Plaintiff's counsel's October 26, 2022 letter, Defendants' counsel were not able to reach him. Then there was one brief settlement discussion on December 12, 2022, followed by no contact for months.

Finally, after several emails from 13-15 Essex's counsel to Plaintiff's counsel, Plaintiff's counsel sent an e-mail to Defendants' counsel forwarding a proposed Settlement Agreement, and stating:

Please forgive my disappearance. I had another surgery related to the accident last summer and have had a really tough time recovering.

At this time, the proposed Settlement is not acceptable to Defendants.

Defendants and their counsel are fully sympathetic to Plaintiff's counsel's ongoing medical issues arising from his accident and wish him a continued recovery.

As Plaintiff's counsel acknowledges, those issues have prevented him from attending to this case, which is denominated in the First Amended Complaint [ECF #21] as a "Class Action" and in which, there is a "Jury Demanded." Consequently, Defendants have been prejudiced by Plaintiff's counsel's situation.

Therefore, in order to afford Plaintiff's counsel an opportunity to recover fully, or at least sufficiently, to attend to this case and to grant Defendants similar relief that was granted to Plaintiff at Plaintiff's counsel's request in October 2022, we respectfully request the following extended deadlines for the Case Management Plan:

1. All fact discovery shall be completed no later than **June 30, 2023**;

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2. Initial request for production of documents to be served by **April 21, 2023**.
3. Interrogatories to be served by **April 21, 2023**;
4. Depositions to be completed by **June 15, 2023**;
5. Requests to Admit to be served no later than **April 21, 2023**; and
6. All expert discovery shall be completed no later than **May 31, 2023**.

We further request that the Case Management Conference be adjourned until after June 30, 2023.

These requests do not interfere with any other scheduled dates.

I believe the request is with the consent of Plaintiff's counsel. As noted, it is sometimes difficult to reach him, due to the continued effects of his car accident.

Wherefore, Defendants' counsel jointly respectfully request that the Court grant the aforesaid relief

Thank you.

GRANTED. The case management conference scheduled for March 28, 2023 is ADJOURNED to **July 18, 2023**, at **11:20 a.m.**

The parties are reminded that they shall submit a joint status report one week before the case management conference. *See* ECF No. 24 ¶ 16. And, pre-motion letters for any motions for summary judgment are due within fourteen days of the close of fact discovery. *See id.*

Dated: March 17, 2023  
New York, New York

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ANALISA TORRES  
United States District Judge